IN THE DISTRICT COURT OF THE VIRGIN ISLANDS
DIVISION OF ST. THOMAS AND ST. JOHN

SMART, INC.,

Plaintiffs,

vs.

VIRGIN ISLANDS HOUSING AUTHORITY, VIRGIN ISLANDS HOUSING OPPORTUNITIES CORPORATION, VIRGIN ISLANDS HOUSING REVITALIZATION CORPORATION, and RAY FONSECA,

Defendants.

CIVIL NO. 2003/63

ACTION FOR
BREACH OF CONTRACT
AND DEFAMATION

**ORDER FOR DISMISSAL OF COUNTS 4 AND 5 OF THE FIRST AMENDED COMPLAINT AND DEFENSANT RAY FONSECA WITH PREJUDICE**

The plaintiff, **SMART, INC.**, and the defendants **VIRGIN ISLANDS HOUSING AUTHORITY** and **RAY FONSECA**, having stipulated for the dismissal with prejudice of the plaintiff's claims in Counts 4 and 5 of the First Amended Complaint for damages for business defamation and injurious falsehood, which comprise all of the Plaintiff's claims against Defendant Ray Fonseca, each party having agreed to bear their own costs and attorney's fees, and the Court being sufficiently advised in the premises and good and sufficient cause appearing therefor, it is now, therefore

**ORDERED** that the plaintiff's claims in Counts 4 and 5 of the First Amended Complaint for damages for business defamation and injurious falsehood be, and they hereby are **DISMISSED WITH PREJUDICE.** , and it is further

**SMART, INC. vs. VIRGIN ISLANDS HOUSING AUTHORITY, et al.**
**DCVI/STT&STJ Civil No. 2003/63**
**JUDGMENT OF DISMISSAL**

**ORDERED** that Defendant Ray Fonseca shall be **DISMISSED WITH PREJUDICE** as a party to this action, and it is further,

**ORDERED** that the remaining claims of Smart, Inc. against the Virgin Islands Housing Authority for breach of contract and wrongful termination as asserted in Counts 1 through 3 of the First Amended Complaint shall remain in full force and effect.

**ENTERED** this 21 day of June, 2007.

**JUDGE OF THE DISTRICT COURT**
**OF THE VIRGIN ISLANDS**

**A T T E S T:**

**WILFREDO MORALES**
**Clerk of the Court**

**By:** _____
**Deputy Clerk**

**DISTRICT LIST:**

| | |
|---|---|
| CAROL A. RICH, ESQ. | [FAX NO. 340-776-8044] |
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| CLERK OF THE COURT | |